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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 BARRY LAMON,

No. CIV S-03-0423-FCD-CMK-P

12 Plaintiff,

13 vs.

FINDINGS AND RECOMMENDATIONS

14 C.K. PLILER, et al.,

15 Defendants.
16 _____/

17 Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant
18 to 42 U.S.C. § 1983. On June 25, 2007, plaintiff filed a document entitled "Plaintiff's Forced
19 Abandonment of His Case Due to Ongoing Interference and Reprisals by Prison Officials" (Doc.
20 151). With this document, plaintiff submitted to the Clerk of the Court what appears to be all of
21 his original documents associated with this case.¹

22 The court construes plaintiff's June 25, 2007, filing as a request for voluntary
23 dismissal of this action pursuant to Federal Rule of Civil Procedure 41(a). So construed, the
24 court will recommend that the request be granted and that this case be dismissed, without
25 _____

26 ¹ By separate order, the court will provide plaintiff an opportunity to request that those documents be returned to him.

1 prejudice.

2 Based on the foregoing, the undersigned recommends that:


3 1. Plaintiff's June 25, 2007, filing be construed as a request for voluntary
4 dismissal;

5 2. So construed, the request be granted; and

6 3. This action be dismissed, without prejudice.

7 These findings and recommendations are submitted to the United States District
8 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 20 days
9 after being served with these findings and recommendations, any party may file written
10 objections with the court. The document should be captioned "Objections to Magistrate Judge's
11 Findings and Recommendations." Failure to file objections within the specified time may waive
12 the right to appeal. See Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

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14 DATED: August 15, 2007.

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17 **CRAIG M. KELLISON**
18 UNITED STATES MAGISTRATE JUDGE
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